



Community Development Department

BISMARCK BOARD OF ADJUSTMENT MEETING AGENDA JUNE 7, 2012

Tom Baker Meeting Room	4:00 p.m.	City-County Office Building
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MINUTES

1. **Minutes.** Consider approval of the minutes of the May 3, 2012 meeting.

REQUESTS

2. **8640 Welle Loop** (Michael Zinke). Request for a variance to allow an increased accessory building size for the purpose of constructing a 2688 square foot accessory building (Lot 2 and Auditor's Lot B of Lot 1, Block 1, Welle Subdivision).
3. **4875 South Washington Street** (Michael Neff). Request for a variance to allow a reduced side yard setback and elimination of the requirement to elevate on fill to 2 feet above the base flood elevation for the purpose of reusing an existing 16' x 16' foundation for the construction of a new 16' x 24' accessory building (Lot 1, Block 1, Paradise Acre).

OTHER BUSINESS

4. **Other.**

ADJOURNMENT

5. **Adjourn.** The next regular meeting date is scheduled for July 5, 2012.



**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 3, 2012**

The Bismarck Board of Adjustment met on May 3, 2012 at 4:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Board members present were Michael Marback, Blair Ihmels, Dean Conrad, Jennifer Clark, and Jeff Ubl.

Member absent was Ken Heier.

Staff members present were Ray Ziegler (Building Official), Kim Lee (Planning Manager), and Kim Riepl (Office Assistant).

Others present were Kevin Fischer, Bismarck.

MINUTES

Chair Marback asked for consideration of the April 5, 2012 minutes.

MOTION: A motion was made by Mr. Ubl and seconded by Mr. Conrad to approve the minutes of the April 5, 2012, meeting as presented. With all members voting in favor, the minutes were approved.

VARIANCE – KEVIN FISCHER – 924 & 928 BAFFIN LOOP

Chair Marback stated the applicant was requesting a variance to reduce the front yard setback from 25-feet to 20-feet on both lots for the purpose of constructing twin homes. Mr. Fischer presented a diagram and aerial photo of his property and indicated specific areas, explaining Lot 63 and Lot 64 to the west have a flat plateau where the backyard would be, but Lot 61 and Lot 62 do not plateau, and in fact, have very steep slopes where the earth falls off, as shown by the contour lines and flags. He is in the process of installing a retaining wall in that area. He noted the length of the driveway at the furthest point (there is a radius to the street, which is a private drive) will be 27 feet and the length at the shortest point will still be 25 feet. The utility easement, originally in the rear of the lots, had been moved to the front due to a storm water easement. He stated even a reduction of 2 feet (in the front yard setback) would help him. He has designed the buildings to fall just within the building permit guidelines, but does not want to go further on the design until the Board of Adjustment has had the opportunity to view the plans.

Mr. Conrad asked Mr. Fischer if he installed the private road and if he would recoup his money through special assessments. Mr. Fischer replied he did install the private road and the cost would be paid through the price of the lots. Mr. Conrad asked what would happen to this lot if nothing was built on it. He stated he would design some sort of building to fit on there as he does not want to leave it vacant. Mr. Conrad asked if he'd thought of other uses such as a park or river access and Mr. Fischer replied he had not.

Mr. Ubl asked if the request was actually for 22 feet and Mr. Fischer confirmed that would be sufficient.

Ms. Clark asked if bringing fill dirt in would allow Mr. Fischer to build back further and Mr. Fischer referenced the retaining wall he is building and noted he must still maintain a rear yard setback of 20 feet. He disclosed the cost of the wall to be nearly \$35,000, with \$20,000 of that being materials and the other \$15,000 being labor. Mr. Marback asked if he intended to fill to the retaining wall and Mr. Fischer replied yes, that was what he was going to do.

Ms. Clark referenced Mr. Fischer's ownership of the other twin homes and he replied he owns everything on the private drive. It was noted the floor plans were essentially the same; however, he has already modified the plan for these lots as they are substantially less than the others in square footage.

Mr. Conrad asked what attention had been given to the property frontage when putting the road in. Mr. Fischer explained everything was already designed when he bought the property and he had to change the elevation of the road, as there was a dip in the center where the storm sewer runs. He raised the storm inlets 5 feet still maintaining the minimum drainage slope. Where there was a dip of 6 feet there is now a 2% grade. He noted the fire hydrant is located two lots away so that is not an issue. Mr. Marback asked if there were any other such issues with any of his other lots and Mr. Fischer replied he could make the rest of them work.

No comments had been received regarding the request, but Mr. Conrad noted significant development occurring to the north and expressed his concern of setting precedent in terms of smaller lots and setback requirements. Ms. Lee explained the development he was referring to was platted as a PUD (Planned Unit Development) allowing smaller lots and lesser front yard setback requirements.

The following findings were provided:

1. The need for a variance may be based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the R10 zoning classification.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is the minimum variance that will accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.

MOTION: A motion was made by Mr. Ihmels to approve the request for the variance to reduce the front yard setback from 25 feet to 22 feet for the purpose of constructing a twin home at 924 and 928 Baffin Loop. The motion was seconded by Mr. Ubl. With Jennifer Clark, Blair Ihmels, Jeff Ubl, and Michael Marback voting in favor, and Dean Conrad voting opposed, the motion was approved.

ACCESSORY BUILDING LANGUAGE DISCUSSION

Ms. Lee stated the ordinance contained in the packets had been introduced at the April 25th meeting of the City Planning Commission. The intent was to provide an incremental increase in the size of accessory buildings and also provide an option to apply for a special use permit for larger accessory building requests. The idea behind the special use permit option is that it is often very difficult to show a hardship (as required when the request is brought before the Board of Adjustment) when a larger accessory building is desired. The process of applying for a special use permit would ensure neighbors are notified of the request, but the applicant does not have to show a hardship.

She further explained the ordinance had been presented to the City Planning Commission for consideration April 25th, and is on track for a public hearing at the May 23rd City Planning Commission meeting.

Ms. Lee then presented some comparisons, showing that for most lots within the corporate limits the size would still be limited to 1,400 square feet, but in lots over 40,000 square feet the size increases from 1,400 square feet to 1,800 square feet. At 65,000 square feet the size increases to 2,400 square feet, and at 85,000 square feet the accessory building size increases from 1,800 square feet to 2,400 square feet. A maximum of one percent (1%) of the total lot area up to a maximum of 5,000 square feet will be allowed for lots larger than 5.5 acres, which was changed from 4 acres. Once the larger acreage threshold is reached (80 acres or more), a larger accessory building may be allowed with a special use permit. The intent was to include provisions for accessory buildings of this size on large acreages for uses such as riding arenas.

Mr. Marback inquired as to the maximum wall height of 14 feet and maximum building height of 25 feet remaining unchanged. Ms. Lee agreed that is what staff is proposing.

Mr. Marback questioned the date and time of the public hearing and Ms. Lee confirmed it will be May 23rd, beginning at 5:00 pm in the Tom Baker Meeting Room. She encouraged the Board to submit any comments to staff so they could be incorporated into the ordinance.

Ms. Lee described the ordinance, as being a good compromise as the accessory building size increases incrementally and adjacent property owners are still notified in cases when application is made for a special use permit. She explained the size limitation of accessory building size has been in place to keep their use truly "accessory" to the principal use as a residential use. When the accessory buildings begin to become larger commercial-type uses tend to show up in them, and by limiting the size, it can assist in keeping a handle on that.

BOARD OF ADJUSTMENT FEES DISCUSSION

Chair Marback disclosed there was some confusion amongst Board members as to the current application fee amount for a variance. He asked Mr. Ziegler for information on the most recent fee increases. Mr. Ziegler stated the fee had been \$100.00, but was raised to \$150.00 in January 2010 and to \$250.00 in January 2012. Ms. Lee then provided information regarding the calculation of fees. She stated the Planning Division maintains a spreadsheet which breaks out each staff person's time incrementally for any activity performed in processing all department applications. She noted the vast majority of the fees charged are less than what it costs the department to process the applications. Ms. Lee added that fees have historically only increased every two years, and it is part of the City budget. She suggested perhaps the next time fees are examined, a fee schedule to differentiate between residential and business applications could be considered. Further discussion ensued and it was agreed the Board would like to be apprised of all future proposed fee increases.

ADMINISTRATIVE VARIANCE DISCUSSION

Chair Marback asked for the definition of an administrative variance and inquired as to how a request was determined to qualify for one. Mr. Ziegler explained by providing a recent example where someone was constructing an accessory building and was a little under forty square feet over the maximum allowable accessory building size of 1400 square feet. The overage was caused by using materials to meet the dimensional requirements of the structure, such as 4' x 8' sheets, four feet on center and so on. An administrative variance was granted rather than running him (the applicant) through a month-long process for something Mr. Ziegler felt to be insignificant enough that the Board (of Adjustment) would not want to hear about anyway. In addition, the building is (being constructed) in the County, and they are going to a bigger allotment anyway. Mr. Ziegler further explained he tries to stay away from three digits, for example, if something was 120 square feet over, that would cross a line (by granting an administrative variance).

Mr. Marback asked how many administrative variances are typically granted in a month and Mr. Ziegler replied there have only been two or three in the last six months. He explained the written denial portion of the administrative variance, saying the denial is the last answer after other options have been worked through.

Mr. Ihmels suggested a written form of administrative variances be included in future Board of Adjustment packets which the other members of the Board agreed would be helpful.

OTHER BUSINESS

Chair Marback referenced the packets mailed to each Board member. He suggested the packets only be sent electronically. Discussion followed and it was agreed that future packets would be sent to Board members only in the electronic version, but that full paper packets would be sent at any time by request.

Mr. Ziegler mentioned the issue of parking requirements, noting some language had been incorporated in order to make allowances. For instance, if a permit comes in for a restaurant, but the building is three-fourths kitchen because it is designed to be primarily carry-out, the normal parking ratios should not apply. Also, in cases of a parking lot located somewhere other than where the building is, there is wording that states the Board of Adjustment is to determine "practical difficulty". He questioned the initial intent of the Board to be involved in these situations, particularly in the case of written agreements, of which there are a few.

Ms. Clark asked if there has ever been trouble with the written agreements and Mr. Ziegler replied there was one that went to court as a property owner attempted to sell the agreement with the property. Mr. Ziegler added there would be a request coming before the Board for this very issue. The applicant already has written permission from the other party and will be looking for Board approval.

Mr. Ihmel questioned if the Board had ever done anything to put this (language) in writing as he did not recall, although he remembers such action being taken by the Board in the past. Mr. Ziegler stated he was unsure if it was done properly as the way it is written. He suggested there be a little clean-up work on the requirements and how the Board of Adjustment is relied upon to interpret things.

Mr. Marback requested that part of the ordinance be e-mailed to Board members for their review.

Mr. Conrad asked for a status update on the trailer parking at the Ramkota. Mr. Ziegler replied the Ramkota seems to be in a perpetual state of remodeling, with periods of transition when the trailers come and go.

Mr. Marback referenced the medical parking ramp in downtown Bismarck between St. Alexius and MedCenter. He asked if the building permit was based on the ramp being built because there was not enough parking in the area. After some discussion, it was determined the only thing tied to the ramp was the variance approved for the two-year delay in meeting the landscaping requirements.

Mr. Ihmels stated he thought there to be inadequate parking for the La Quinta Inn to which Ms. Lee replied the parking does meet requirements, but much of it extends behind the building.

ADJOURNMENT

There being no further business, Chair Marback declared the meeting of the Bismarck Board of Adjustment adjourned to meet again on June 7, 2012.

Respectfully Submitted,

Kim Riepl
Recording Secretary

APPROVED:

Michael Marback, Chair

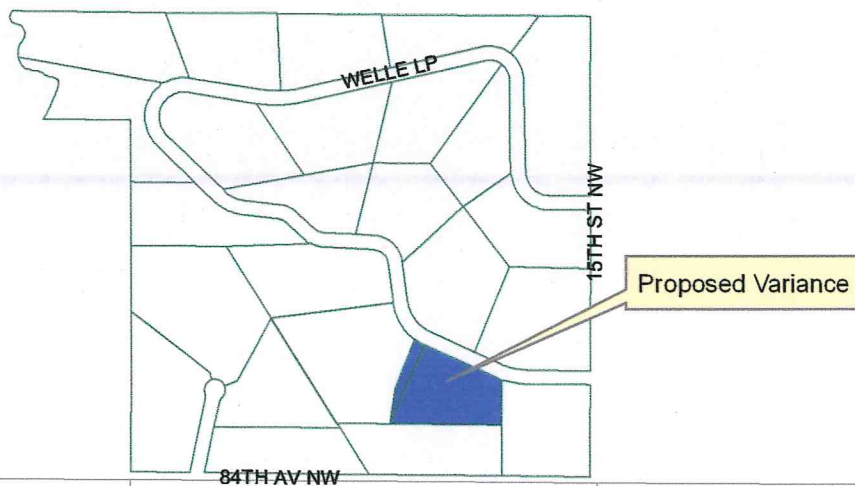
**BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: 8460 Welle Loop – increased accessory building size (2169sf to 2688sf) (Lot 2 and Auditor's Lot B of Lot 4, Block 1, Welle Subdivision)	
Status: Board of Adjustment	Date: June 7, 2012
Owner(s): Michael Zinke	
Reason for Request: Increase the allowable area of an accessory building to allow the construction of a 42' x 64' (2688sf) building for storage of vehicles and equipment.	
Location: Along Welle Loop north of 84 th Avenue NW east side of North Star Acres Road south of 71 st Avenue NE and east of US Hwy 83.	
Applicable Provision(s) of Zoning Ordinance: 14-04-01(10) (RR Residential District/Accessory Buildings). All allowable accessory buildings to a residence shall be limited to a maximum of 1% of the total lot area up to maximum of 5000 square feet for lots larger than 4 acres. For this parcel, which has a total lot area of 4.98 acres, a 2169 square foot building would be allowed.	
FINDINGS:	
<ol style="list-style-type: none">1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the RR zoning classification.2. The hardship is not caused by the provisions of the Zoning Ordinance.3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.4. The requested variance is the minimum variance that will accomplish the relief sought by the applicant.5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.	
RECOMMENDATION:	
<p>Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board.</p> <p>If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.</p>	

Proposed Variance
8460 Welle Loop
Lot 2 & Auditor's Lot B of Lot 4, Block 1, Welle Subdivision

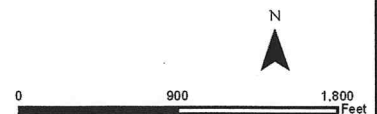
28TH ST NW

97TH AV NW



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: May 23, 2012 (klr)

Source: City of Bismarck



CITY OF BISMARCK
BUILDING DIVISION
221 N 5TH ST
BISMARCK, ND 58506-5503
PH (701) 355-1465

Bismarck

CITY OF BISMARCK / ETA & BURLEIGH COUNTY

RECEIVED DATE: 5-10-12

CONTACT INFORMATION:

1. Name:

Mike Zinke

2. Phone Number:

3. Property Address:

8460 Welle Loop

4. Location of Property:



City of Bismarck



ETA



Burleigh County

5 Reason for variance

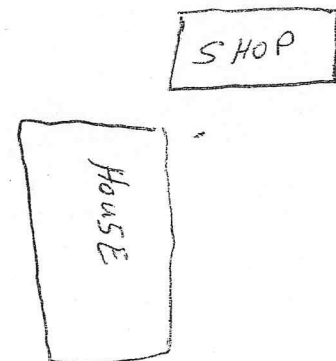
Building a loted square feet is not large enough to store my vehicles, Boat, snowmobiles & Camper. I would like to be able to store all of my personal items in one building & keep them out of the weather & out of sight so my yard looks neat & out of everyone's vision. Requesting 534 sq ft additional to my allotted 2154 sq ft.

6. In the space below, please draw your lot, all existing buildings located on your lot and the proposed structure. Include dimensions of buildings, distance between buildings and your property lines.

Building Dimensions

42' wide X 64' LONG

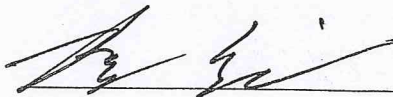
14' side wall



7. Your application has been reviewed. It has been:

☐ Approved

Reviewed By:



☒ Denied

Date:

5-12-12

8. Reason for denial:

proposed size is over what is
currently allowed

Please make the corrections and resubmit the application

Please note that an application for a permit is deemed to be abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued. Therefore, supply us with the required plans at your earliest convenience.

May 21, 2012

Re: Written Statement of Hardship

City Board of Adjustment
221 North 5th Street
P. O. Box 5503
Bismarck, ND 58506-5503

To Whom It May Concern,

Please accept this letter as my official written statement of hardship. I recently purchased a home and 4.98 acres of land at 8460 Welle Loop in Burleigh County. The legal description of the property is WELLE Block 01 LOT 2 & AUDITOR'S LOT B OF LOT 4 IRR PLAT 680421; 762993.

Proposed accessory building size 42' wide, 64' long, 14' side wall, stick built.

Before purchasing the property, I stopped at the Burleigh County booth, at the Bismarck Civic Center, during the Bismarck Mandan Home Builders Show on March 11, 2012. I inquired about building an accessory building at this location. I was given a pamphlet and explanation about the building requirements and codes for this address. The official looked up my address on the map and I was told that I was able to build up to a 5,000 square foot accessory building for the amount of acreage that was on this property. I was also told that the allotted square footage would increase during the summer of 2012.

Before closing on the property in April, I called the Bismarck-Burleigh County Community Development Department. I inquired about what size accessory building I could build on this property. I was told that I could not apply for a building permit until the property was in my name, but I was told again that I could build up to 5,000 square feet after the official looked up the address and confirmed the acreage, plot and location.

The financing of the home and property was finalized on April 20, 2012. On May 11, 2012, I went up to the City – County building to apply for a building permit for a 42' x 64' shop/building. At that time, I was told that I could only build an accessory building up to 2,170 square feet. After further discussion with the official I found out that my property was in the ETA and the information I was given two times prior was incorrect & I could only build up to 1% of the total acreage 2170 square feet. Had I known this information beforehand, I would not have purchased the property at 8460 Welle Loop.

I also have been working with several contractors on bids to build this building and I have one lined up and ready to build this accessory building when I get approval. If I have to wait until the new building standards come out in late summer, most of the contractors are telling me, they will most likely not be able to build this accessory building until late fall 2012, if not until the beginning of 2013. I am told if I can get approval in less than a few weeks and a building permit the contractor will be able to start just about right away.

I need a building to this size to be able to store all of my vehicles, equipment and personal items. If I am only allotted to build an accessory structure of 2170 square feet, I will be faced with leaving some personal items outside in the weather & in clear view of the neighborhood. Also I will be faced with more expense, due to I will need a storage unit to store items that are not able to be out in the weather.

I purchased this larger property to be able to have more room and be able to have all of my personal items at one location and to be able to save expense of storage, travel and hauling expense, to store my personal items at another location.

I am requesting a variance to allow me to build a shop/building at 2,688 square feet, 518 additional square feet of what I am allowed with a normal building permit. This building will allow me to store all of my vehicles and personal belongings out the elements as well as out of view to the neighborhood. I also want to keep my yard neat & without a lot of clutter. With this accessory structure my personal items will be inside out of view and the weather. Thank you for your consideration in this matter.

Sincerely,

Mike Zinke

8460 Welle Loop

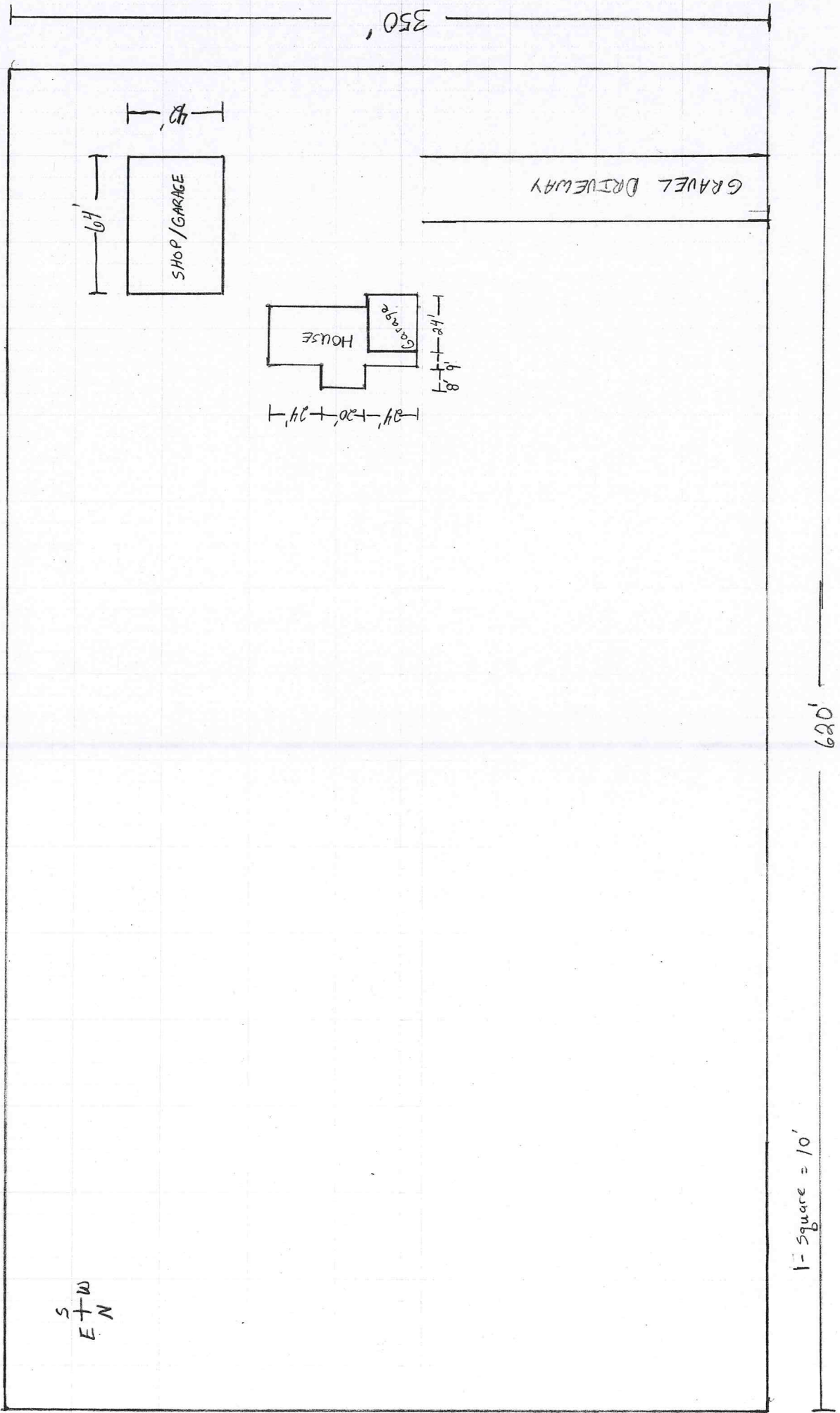
Bismarck, ND 58503

Mike Link
8460 WELLE LOOP
Bismarck, ND 58503

Legal - Welle Block 01 LOT 2 & Auditors Lot B of Lot 4 IRR Plat 680421, 762493

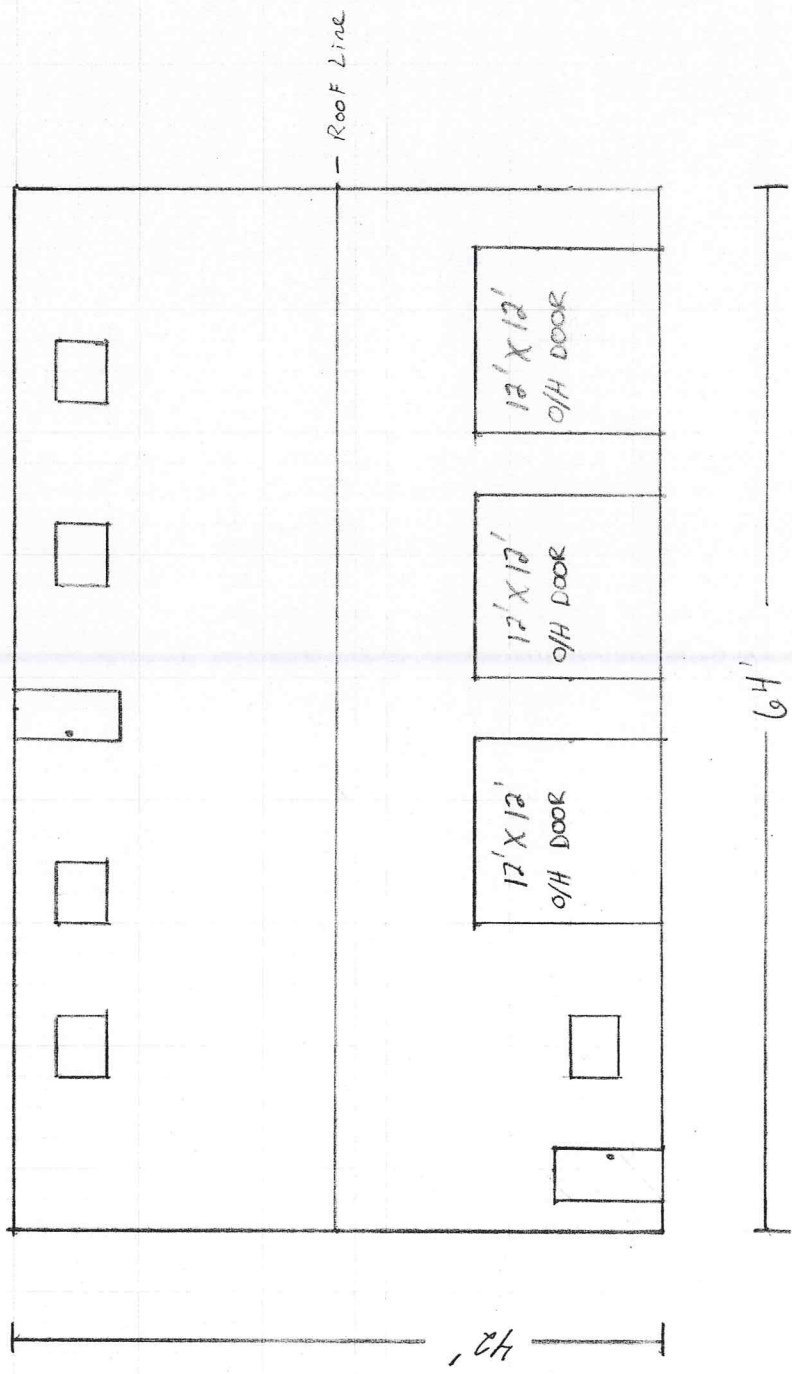
SITE DRAWING - Proposed Shop/Garage 42' X 64' = 2688 Square Feet

PAGE #1



Mike Link
8460 WELLE LOOP
Bismarck, ND 58503
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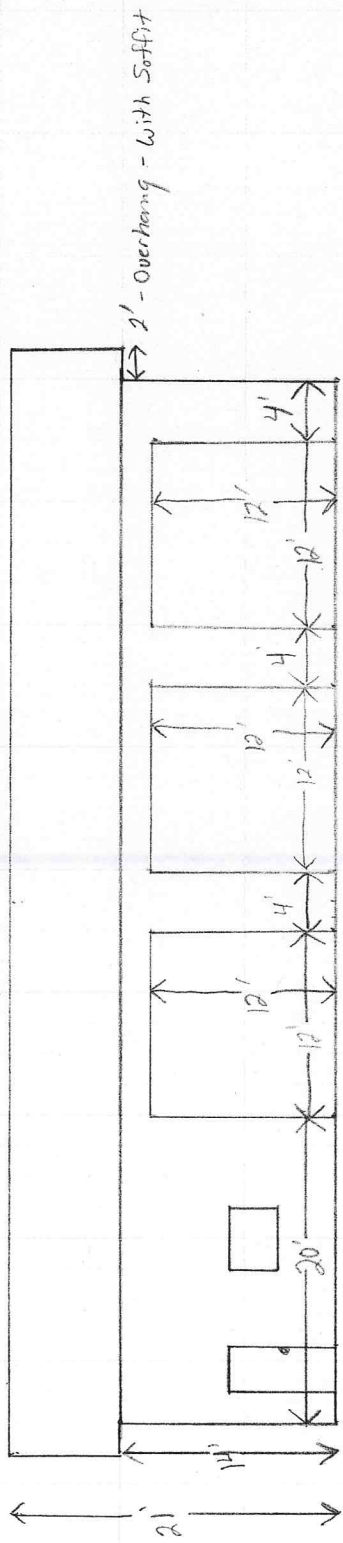
Building Drawing 42' X 64' - STICK BUILT - 2 X 6 - WALLS - FLOATING CEMENT
FOUNDATION



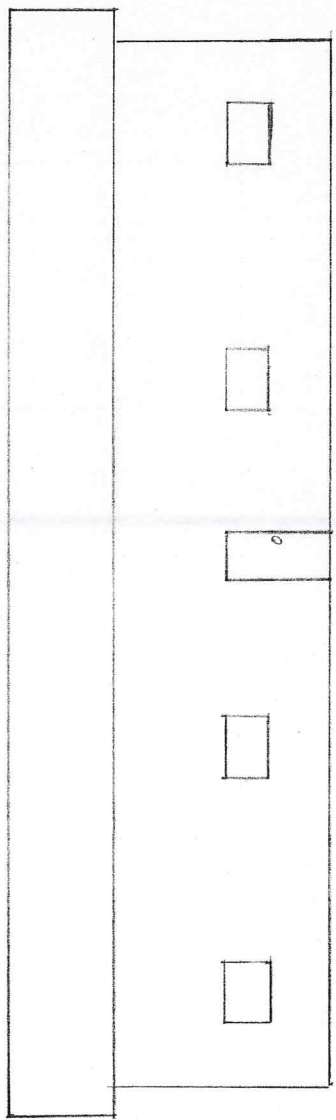
MIKE ZINNE
8460 WELLE LOOP
Bismarck, ND 58503



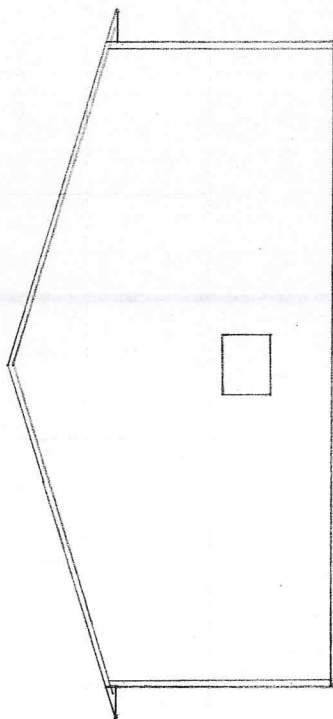
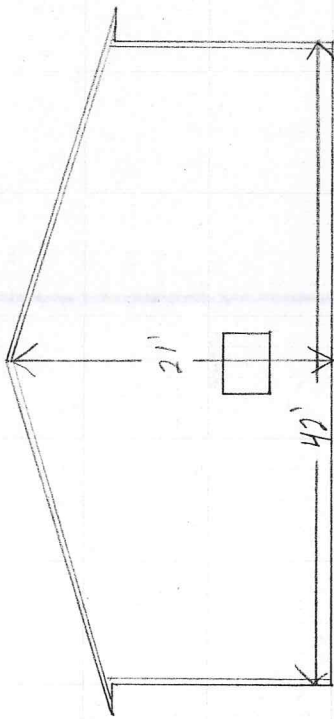
FRONT VIEW - South Side



BACK VIEW - North Side



Mike Zinke
8460 Welle Loop
Bismarck, ND 58503
E $\frac{S}{N}$ W



**BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:

Title:

4875 South Washington Street – reduced side yard setback (15 feet to 4 feet) and elimination of requirement to elevate on fill to 2 feet above the base flood elevation
(Lot 1, Block 1, Paradise Acre)

Status:

Board of Adjustment

Date:

June 7, 2012

Owner(s):

Michael Neff

Reason for Request:

Allow the reuse of an existing foundation to replace an 16' x 16' accessory building with a 16' x 24' accessory building. The existing foundation is less than 15 feet from the property line and is not elevated on fill to 2 feet above the base flood elevation.

Location:

East of South Washington Street and south of 48th Avenue SE.

Applicable Provision(s) of Zoning Ordinance:

14-04-01(5) (RR Residential District/Side Yard). A minimum side yard of 15 feet is required.

14-04-19(6)(b) (FP Floodplain District/Provisions for flood hazard reduction/accessory buildings). Accessory buildings over 120 square feet in area shall be subject to the same construction requirements as the residential structure to which it is accessory. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement and/or crawl space, elevated on fill and/or a permanent foundation to at least 2 feet above the base flood elevation. As this building is being replaced, it would be classified as a substantial improvement.

ADDITIONAL INFORMATION – VARIANCES FROM FLOODPLAIN PROVISIONS:

In considering appeals and variance applications, and in addition to the requirements outlined in Section 14-06-02 (Powers and Duties), the Board of Adjustment shall consider all technical evaluations, all relevant factors, and the standards specified in this section, including:

1. The danger to life and property due to flooding or erosion damage;
2. The danger that materials may be swept onto other lands to the injury of others;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with the existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(continued)

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

FINDINGS:

Side Yard Setback and Floodplain Variances

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the RR zoning classification.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is the minimum variance that will accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.

Floodplain Variance

1. It is doubtful that a 16' x 24' accessory building will increase flood levels during the base flood discharge.
2. The variance is not the minimum necessary, considering the flood hazard, to afford relief.
3. The applicant has not shown good and sufficient cause for granting the variance.
4. A failure to grant the variance would not result in exceptional hardship to the applicant.
5. The granting of the variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public or a conflict with existing local laws or ordinances.

RECOMMENDATION:

Staff recommends reviewing both sets of findings above and modifying them as necessary to support the decision of the Board.

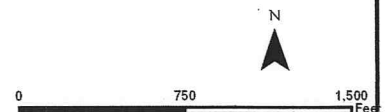
If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.

Proposed Variance
4875 South Washington Street
Lot 1, Block 1, Paradise Acres



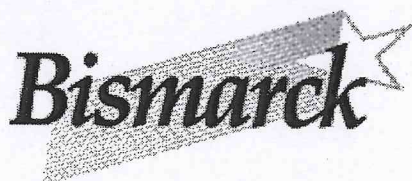
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: May 24, 2012 (klr)

Source: City of Bismarck



RECEIVED

MAY 24 2012



CITY OF BISMARCK
BUILDING DIVISION
221 N 5TH ST
BISMARCK, ND 58506-5503
PH (701) 355-1465

CITY OF BISMARCK / ETA & BURLEIGH COUNTY

RECEIVED DATE: _____

CONTACT INFORMATION:

1. Name:

Michael Neff

2. Phone Number:

3. Property Address:

4875 S. WASH ST. BISMARCK N DAK 58504

4. Location of Property:

☐

City of Bismarck

☐

ETA

☒

Burleigh County

5 Reason for variance

* SEE ATTACHED.

Would also like to increase size from 16' x 16' to 16' x 24'
to allow winter storage of a small 12' boat & trailer.

6. In the space below, please draw your lot, all existing buildings located on your lot and the proposed structure. Include dimensions of buildings, distance between buildings and your property lines.

* SEE ATTACHED photo

- PROPERTY LINES ARE IN BLACK INK 1.81 ACRES

- GARAGE 36' x 30'

- outbuilding 16' x 16' -> CURRENT TO EXTEND 16' x 24'

- house ~ 2900 sq ft.

7. Your application has been reviewed. It has been:

☐ Approved

☒ Denied

Reviewed By:

[Signature]

Date:

5-28-12

8. Reason for denial:

New Ordinance required it
to be elevated 2' above BFE

Please make the corrections and resubmit the application

Please note that an application for a permit is deemed to be abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued. Therefore, supply us with the required plans at your earliest convenience.

Mr. Ziegler,

My property was located south of the 48th Ave dike & sustained flooding during the historic 2011 flood. My family is working very hard to restore our property back to normal.

One building that we would like to replace is a 16' x 16' outbuilding. I would like to restore it at its original location & elevation.

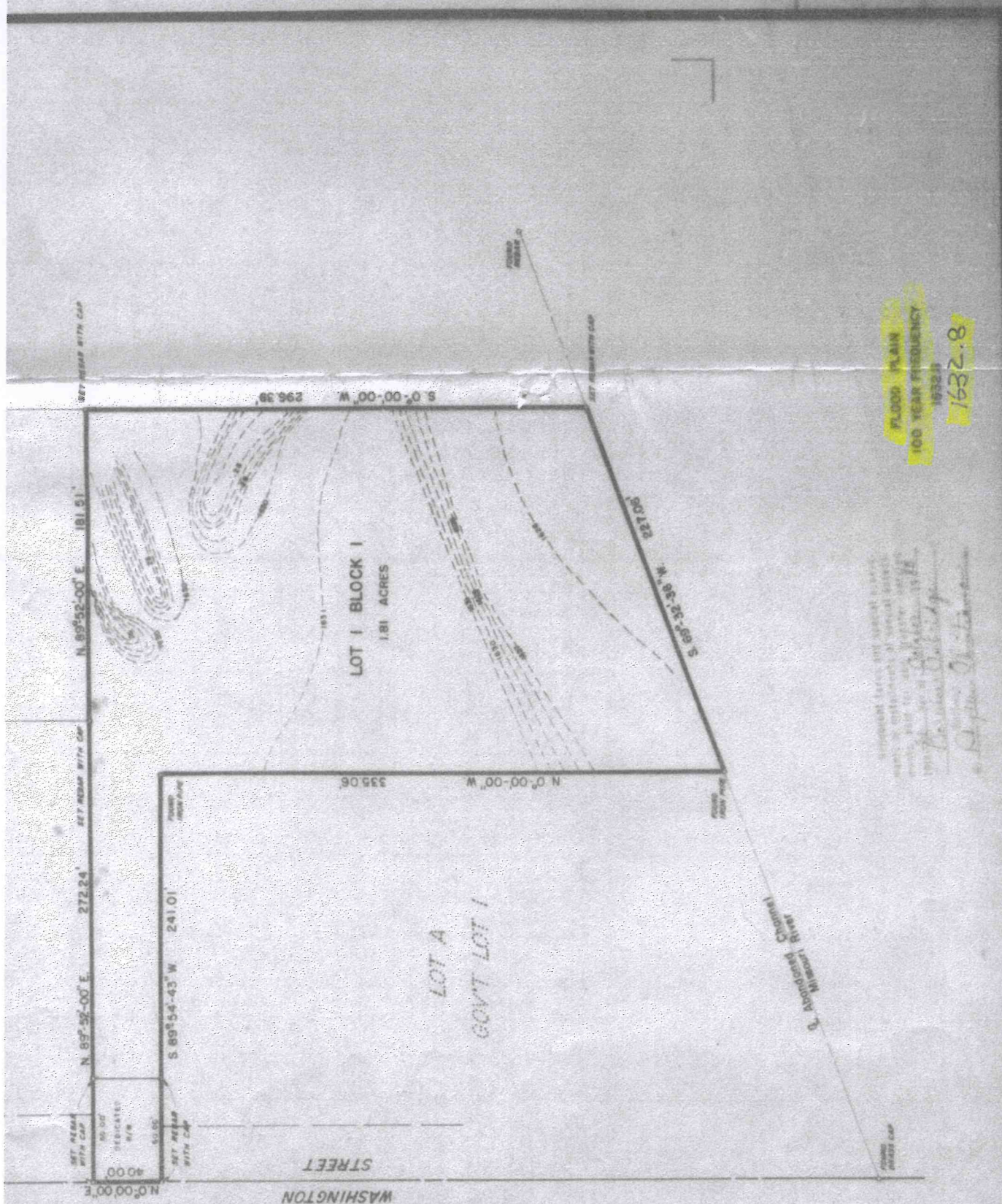
It is a building that is used for the lawn & garden equipment & tools as well as firewood. It is a non-insulated building.

Because it is an outbuilding it is not insurable for flood. I'm replacing this out-of-pocket & I would like to minimize my costs. Building this a 2' above flood would be very costly as well as aesthetically unattractive.

In reviewing the considerations for the variance there would be no danger to life or property with construction of this building as there were no problems during the 2011 flood. Because of the set-up of the property there really is no alternative location.

IN SUMMARY, WE WOULD JUST LIKE TO RESTORE OUR
PROPERTY AS IT WAS PRE-FLOOD. THIS IS JUST A
STORAGE BUILDING THAT IS NOT INSURABLE & POSES
NO THREAT TO ANYONE. I REALLY DO NOT
WANT A BUILDING IN MY FRONT YARD SITTING ON
A HUGE MOUND OF DIRT. I ALSO HAVE MANY
OUT-OF-POCKET EXPENSES AS WE HAVE DOZENS
OF TREES TO REMOVE & REPLACE. THIS WAS
A VERY GOOD LOCATION & ELEVATION PRIOR TO THE
FLOOD AND WILL BE IN THE FUTURE. THANK YOU
FOR YOUR CONSIDERATION.

SINCERELY,
MIKE WERT



FLOOD PLAIN
100 YEAR FREQUENCY
1932-8

Important facts and special events
which are pertinent to the public interest
and which are not otherwise known
to the public are hereby
certified to be true and correct
by the undersigned
at this date
1932-8

See Note



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